

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:12-cr-00088-MKR-DLH-1**

UNITED STATES OF AMERICA)	
)	FINAL ORDER AND JUDGMENT
vs.)	CONFIRMING FORFEITURE
)	
ALEX DEAN NELSON)	
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THIS MATTER is before the Court on Motion of the United States of America for a Final Order and Judgment Confirming Forfeiture of a Corvette and boat, both of which are described more specifically herein. [Doc. 70].

Based on the information set forth in the Government's Motion and review of the docket in this case, **THIS COURT FINDS AS FOLLOWS:**

This Court, Hon. Magistrate Judge Dennis Howell presiding, previously entered a "Consent Order and Judgment of Forfeiture (Preliminary) Pending Rule 32.2(c)(2)" [Doc. 12] for a \$130,000 money judgment representing the proceeds of the public corruption conspiracy and scheme, real property at 4640 Celia Creek Road, Lenoir, North Carolina ("the Celia Creek Property"), a Sun Tracker Party Barge 25 pontoon boat ("the Pontoon Boat"), a 2006 Ford Expedition ("the Ford"), and a 2001 Chevrolet Corvette ("the Corvette").

Following issuance of the Consent Order, the Government provided notice of the forfeiture action in accordance with the provisions of 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P. 32.2(b)(6). Specifically, from January 3, 2013 through February 1, 2013, the Government provided notice by publication on www.forfeiture.gov as detailed more fully in the Declaration of Publication [Doc. 29-1]. Further, the Government provided notice via United States Mail, Return Receipt Requested, to a variety of individuals and entities who signed Return Receipts as set forth in Exhibit 1 to the Government's Motion. Following notice in accordance with law, only Joy Nelson Brooks (hereafter, "Brooks") and Tammy Nelson filed petitions asserting interests in the forfeited properties.

Brooks filed an Amended Petition [Doc. 24] asserting an interest in the Celia Creek Property by virtue of a Deed of Trust. Brooks and the Government engaged in discovery and entered into a signed settlement agreement in the form of a proposed Consent Order and Third Party Petition. That Consent Order was forwarded to the Court, but has not been entered. In the Consent Order, the parties agreed, *inter alia*, that Brooks had an interest in the Celia Creek Property by virtue of the Deed of Trust identified in her Amended Petition and that she had satisfied 21

U.S.C. § 853(n)(6)(A). Although the Government indicates in its Motion that it still agrees with all of the stipulations in the proposed Consent Order agreed upon between the Government and Brooks, the proposed Consent Order is now moot since, as detailed below, the Celia Creek Property has been dismissed from this case.

Tammy Nelson filed a Claim [Doc. 28] asserting an interest in all of the forfeited properties. The Government and Tammy Nelson engaged in discovery and ultimately signed a settlement agreement, in the form of a proposed Consent Order of Dismissal of Properties and Third Party Petition, entered [Doc. 60] by this Court, whereby this Court ordered the Celia Creek Property and Ford dismissed from this action and dismissed Tammy Nelson's Petition.

Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure provides in pertinent part that, "[w]hen the ancillary proceeding ends, the court must enter a final order of forfeiture by amending the preliminary order as necessary to account for any third-party rights." The period in which third parties may file petitions has now passed, with no additional petitions pending resolution in the ancillary proceeding, no petitions pending for the

Corvette and Pontoon Boat, and no properties other than the Corvette and Pontoon Boat subject to forfeiture in this action.

IT IS, THEREFORE, ORDERED that, based on the information set forth in the Government's Motion and the aforementioned procedural history of this case, and pursuant to Fed. R. Crim. P. 32.2(c)(2), the following properties are finally forfeited to the United States, the United States holds clear title to the properties, and the United States may dispose of the properties in accordance with law:

Sun Tracker Party Barge 25 pontoon boat with Mercury 115 motor, both seized during the investigation (previously identified herein as "the Pontoon Boat"); and

2001 Chevrolet Corvette convertible, VIN 1G1YY32G615100723, seized during the investigation (previously identified herein as "the Corvette").

Further, as set forth by prior Order [Doc. 60] of this Court, the Consent Order and Judgment of Forfeiture is amended and the following properties are dismissed from this forfeiture action:

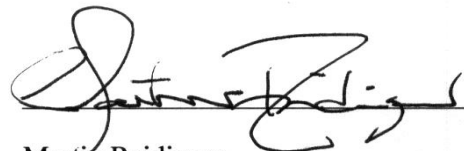
The real property at 4640 Celia Creek Road, Lenoir, NC 28645, further described in a deed recorded in the Caldwell County, North Carolina Register of Deeds Office, Deed Book 1539, Page

1201-1203; 1204-1208 (previously identified herein as “the Celia Creek Property”); and

2006 Ford Expedition, VIN: 1FMPU18586LA13977, seized during the investigation (previously identified herein as “the Ford”).

IT IS SO ORDERED.

Signed: March 6, 2014


Martin Reidinger
United States District Judge

